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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/813,668

Applicant(s)

LEE ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 2-11 are presented for examination. Claim 1 has been cancelled. Claim 11 is new.

#### *Election/Restrictions*

2. Applicant's election without traverse of Group II invention that includes claims 2-10 and newly added claim 11, and cancellation of Group I invention that includes claim 1, in the reply filed on 11/12/04 is acknowledged.

#### *Response to Arguments*

3. Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 2-10 is maintained.

Applicant argues, (1) "The examiner has rejected the claims under 35 USC 102(e) as anticipated by the U.S. Patent 6,496,948, the U.S. Patent 6,571,283, the U.S. Patent 6,567,767, and the U.S. Patent 6,691,259, and the Applicants would indicate that it is not proper and suitable to reject Applicants' claims on the basis of commonly owned prior patents". The examiner respectfully disagrees in response to applicant's arguments. 35 USC 102 (e) clearly states the following:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Since, the inventors of this application (09/813,668) are not the same as of the patents, U.S. Patent 6,496,948, the U.S. Patent 6,571,283, the U.S. Patent 6,567,767, and

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the U.S. Patent 6,691,259, the rejection of the claims under 35 USC 102(e) as anticipated by the U.S. Patent 6,496,948, the U.S. Patent 6,571,283, the U.S. Patent 6,567,767, and the U.S. Patent 6,691,259 is proper. Therefore, the rejection is maintained.

Applicant argues, (2) “the copending applications 09/813667 and 09/813671 disclose claimed limitations of the claims rejected under the first paragraph of 35 USC 112 (office action 8/12/2004). The examiner respectfully disagrees in response to applicant's arguments. Examiner has reviewed the specifications (09/813,668, 09/813667 and 09/813671) and could not find support for the limitations, “application that processes 16-bit or MS-DOS programs, accumulating the number of User-Type users for application categorized as Super-Heavy Users, adding up the number of User-Type Users into the Heavy category, eliminating application involving a Heavy processing background, sorting-out and eliminating those applications which involve Heavy-background processing, selecting those User-types whose typing speed is slower than 45 words/minute”, as claimed. Applicant is requested to cite the locations in the specification for each of the rejected claimed limitations. Therefore, the rejection is maintained.

### ***Claim Objections***

4. Claim 11 is objected to because of the following informalities:

Claim 11 mentions, “means to”, which is incorrect. It should be “means for”.

Also limitations, “store (30) the number”, is incorrect. It should be “store the number”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art to use and/or make the invention.

The specification does not contain subject matter containing any software or hardware to implement additional limitations, “profile is developed for users as input to a Solution Configurator algorithm for developing an optimized solution for a network of one or more Server Farms and associated modules most suitable”, “utilizing a benchmark normal heavy value”, “add a weight”, “inputting said 200% weighted values to said Solution Configurator algorithm”, as cited in claim 2. The specification, page 27, lines 14 – 15, clearly state, “a user weighted as Super Heavy could be 200% of a benchmark user”.

The specification does not contain subject matter containing any software or hardware to implement additional limitations, “configuration for one or more Server Farms”, “profile is developed for users as input to a Solution Configurator algorithm for developing an optimized solution for a network of one or more Server Farms and associated modules most suitable”, “each of said Server Farms”, “utilizing a benchmark normal heavy value”, “to give a weight”, “inputting said 100% of heavy weighted values to said Solution Configurator algorithm”, as cited in claim 3.

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The specification does not contain subject matter containing any software or hardware to implement additional limitations, “profile is developed for users as input to a Solution Configurator algorithm for developing an optimized solution for a network of one or more Server Farms and associated modules most suitable”, “utilizing a weight factor of 100% to establish a value for said users”, “inputting said Heavy category weight value to said Solution Configurator algorithm”, as cited in claim 4.

The specification does not contain subject matter containing any software or hardware to implement limitations, “profile is developed for users as input to a Solution Configurator algorithm for developing an optimized solution for a network of one or more Server Farms and associated modules most suitable”, “utilizing a weight factor of 50% to establish a value for said users”, “inputting said Light category weight value to said Solution Configurator algorithm”, as cited in claim 5.

The specification does not contain subject matter containing any software or hardware to implement limitations, “applying a 100% weight factor for said Heavy users”, as cited in claim 6.

The specification does not contain subject matter containing any software or hardware to implement limitations, “applying a weight factor of 67% value for each said Medium user category”, as cited in claim 7.

The specification does not contain subject matter containing any software or hardware to implement limitations, “applying a 100% weight factor to said Heavy category total”, as cited in claim 8.

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The specification does not contain subject matter containing any software or hardware to implement limitations, “utilizing a 100% weight factor value to the number of Heavy category User-type Users”, “each Server Farm”, as cited in claim 9.

The specification does not contain subject matter containing any software or hardware to implement limitations, “assigning a 67% weight value to said Medium category Users”, “each Server Farm”, as cited in claim 10.

The specification does not contain subject matter containing any software or hardware to implement limitations, “deriving a proposed base solution of Servers and Server Farms at one or more sites with their supporting apparatus to support a proposed configuration”, “the specific requirements of a specific customer”, “format customer profile data in a configuration database template”, “store the number of Servers for utilization and their availability levels”, “store applications into an optimization configuration program”, “Server Farms tailored to a customer”, “designate each User of each application in each Server Farm”, “the exact number of Light users”, “series of weighted values for each user category which weight”, “establishing the appropriate number of Servers”, “apparatus for each site and each Server Farm”, “final solution information suitable for generating an optimized configuration report via said Solution Configurator algorithm”, as cited in claim 11.

The specification is objected to because it does not contain subject matter containing any software or hardware to implement, “application that processes 16-bit or MS-DOS programs, accumulating the number of User-Type users for application categorized as Super-Heavy Users, adding up the number of User-Type Users into the Heavy category, eliminating application involving a Heavy processing background,”

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sorting-out and eliminating those applications which involve Heavy-background processing, selecting those User-types whose typing speed is slower than 45 words/minute”, as rejected in the office action dated 8/12/2004.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 2-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the amended limitations, “said Server Farm”, “the Applications”, “said total number of super-heavy users”, “said 200% weighted values”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple Server Farms exist in the claim, it is not clear which Server Farm is referred by theses limitations.

Claim 3 recites the limitations, “said Server Farms”, “said heavy users”, “said 100% of heavy weighted values”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple Server Farms exist in the claim, it is not clear which Server Farms are referred by theses limitations.

Claim 4 recites the limitations, “said Server Farm”, “said users”, “said Heavy category”, “said Heavy category weight value”. There is insufficient antecedent basis for this limitation in the claim. Since, multiple Server Farms and users exist in the claim, it is not clear which Server Farm and users are referred by theses limitations.

Claim 5 recites the limitations, “said Server Farm”, “said users”, “said Light category weight value”. There is insufficient antecedent basis for this limitation in the



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claim. Since, multiple Server Farms and users exist in the claim, it is not clear which Server Farm and users are referred by these limitations.

Claim 6 recites the limitations, "said Heavy users". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitations, "said Medium user category". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitations, "said Heavy category total". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitations, "the number of Heavy category User-type Users". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitations, "said Medium category Users". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitations, "the specific requirements of a specific customer", "the number of Servers for utilization", "the attributes", "said means", "the exact number of Light users", "said Server Farm", "the appropriate number of Servers". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Smorodinsky, UNISYS, 6,496,948 (Hereinafter Smorodinsky-UNISYS).

9. As per claim 2, Smorodinsky-UNISYS teaches the following:

in a Thin Client Sizing Tool (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) for configuring an Optimal Server Farm or multiple Server Farms for a customer-enterprise (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43), wherein a client-customer profile (e.g., figure 3) is developed for users as input to a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34) for developing an optimized solution for a network of one or more Server Farms (e.g., col., 5, lines 18 – 28) and associated modules (e.g., col., 5, lines 18 – 28) most suitable for said client-customer needs (e.g., table 1, col., 9), a method (e.g., abstract) for utilizing data as to specific User-weight categories (e.g., col., 8, lines 22 – 36) for each User-Type involved with each specific Application (e.g., figure 1) in said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28), comprising the steps of:

selecting each Application (e.g., figure 1) in each said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28) which processes 16-bit or MS-DOS programs (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figure 4, col., 7, lines 34 - 67);

checking to find if more Applications are involved (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

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accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user (e.g., figure 4, col., 7, lines 34 - 67),  
totaling the number of User-Type Users who are Super-Heavy users (e.g., figure 4, col., 7, lines 34 - 67),  
utilizing a benchmark normal heavy value of 100% to add a weight of 200% for said total number of super-heavy users (e.g., figure 4, col., 7, lines 34 - 67),  
inputting said 200% weighted values to said Solution Configurator algorithm (e.g., col., 3, lines 8 - 34, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

10. As per claim 3, Smorodinsky-UNISYS teaches the limitations rejected under claim 2. Smorodinsky-UNISYS also teaches the following:

selecting each Application having a "Heavy" processing background (e.g., figure 4, col., 7, lines 34 - 67),  
utilizing a benchmark normal heavy value of 100% to give a weight of 100% to said heavy users (e.g., col., 7, lines 6 - 14, 35 - 55, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

11. As per claim 4, Smorodinsky-UNISYS teaches the limitations rejected under claims 2 and 3. Smorodinsky-UNISYS also teaches the following:

selecting each application in said Server Farm which is utilized by a User-Type User (e.g., figure 4, col., 7, lines 34 - 67),  
eliminating each Application involving a Heavy processing background (e.g., figure 4, col., 7, lines 34 - 67),

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utilizing a weight factor of 100% to establish a value for said users of said Heavy category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

12. As per claim 5, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-4. Smorodinsky-UNISYS also teaches the following:

sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figure 3, col., 10, lines 50 – 60),

utilizing a weight factor of 50% to establish a value for said users of the Light usage category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

13. As per claim 6, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-5. Smorodinsky-UNISYS also teaches the following:

accumulating the total number of User-Type “Heavy” Users utilizing each and every Application and applying a 100% weight factor for said Heavy users (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

14. As per claim 7, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-6. Smorodinsky-UNISYS also teaches the following:

selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 4, col., 7, lines 34 – 67),

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adding-up the number of User-Type Users utilizing said Applications as a “Medium” user category (e.g., col., 7, lines 6 – 14, 35.- 55),

accumulating the total number of Users in the Medium user category and applying a weight factor of 67% value for each said Medium user category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

15. As per claim 8, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-7. Smorodinsky-UNISYS also teaches the following:

adding-up the number of such User-Type Users to the Heavy category total and applying a 100% weight factor to said Heavy category total (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

16. As per claim 9, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-8. Smorodinsky-UNISYS also teaches the following:

adding the number of User-Type Users to the Heavy category and applying a utilizing a 100% weight factor value to the number of Heavy category User-type Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

17. As per claim 10, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-9. Smorodinsky-UNISYS also teaches the following:

adding the number of User-Type Users using each Application into the "Medium" category and assigning a 67% weight value to said Medium category Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Medium category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

18. As per claim 11, Smorodinsky-UNISYS teaches the limitations rejected under claims 2-10. Smorodinsky-UNISYS also teaches the following:

a system for deriving a proposed base solution (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) of Servers and Server Farms (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 3, line 43) at one or more sites with their supporting apparatus (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43) to support a proposed configuration, via a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34), adequate to handle the specific requirements of a specific customer's enterprise (e.g., table 1, col., 9, figures 1, 2 and 5, col., 5, lines 16 - 28) comprising:

means to format customer profile data in a configuration database template (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43),

means to store benchmark information and characteristics of Servers in a Server information database (e.g., figure 4, col., 7, lines 34 – 67),

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means to store (30) the number of Servers for utilization and their availability levels (e.g., col., 3, lines 8 – 34, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

means to store the attributes of User-types and applications into an optimization configuration program (e.g. figures 1, 2 and 5, col., 7, lines 36 - 58), for developing an optimized configuration of Server Farms (e.g., col., 5, lines 18 – 28) tailored to a customer's profile (e.g., figure 3) said means including:

means to designate each User of each Application in each Server Farm as a Light, Medium, Heavy or Super-heavy user (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means to accumulate data as to the exact number of Light users, Medium users, Heavy users and Super-heavy users for each said Server Farm (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means for utilizing a series of weighted values (e.g., col., 8, lines 22 – 37) for each user category which weight values include 100% for Heavy users (e.g., col., 7, lines 8 – 15), 67% for Medium users (e.g., col., 7, lines 35 – 65), 50% for Light users (e.g., col., 7, lines 35 – 65, table, 1, col., 9), and 200% for Super- heavy users (e.g., col., 7, lines 35 – 65, table, 1, col., 9),

means to calculate a base solution (e.g., col., 8, lines 51 – 65) for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm (e.g., col., 5, lines 16 – 26);

means to store final solution information suitable (e.g., col., 9, lines 25 – 46) for generating an optimized configuration report via said Solution Configurator algorithm (e.g., col., 3, lines 8 – 34).

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19. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Smorodinsky 6,571,283, UNISYS (Hereinafter Smorodinsky2-UNISYS).

20. As per claim 2, Smorodinsky2-UNISYS teaches the following:

in a Thin Client Sizing Tool (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) for configuring an Optimal Server Farm or multiple Server Farms for a customer-enterprise (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43), wherein a client-customer profile (e.g., figure 3) is developed for users as input to a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34) for developing an optimized solution for a network of one or more Server Farms (e.g., col., 5, lines 18 – 28) and associated modules (e.g., col., 5, lines 18 – 28) most suitable for said client-customer needs (e.g., table 1, col., 9), a method (e.g., abstract) for utilizing data as to specific User-weight categories (e.g., col., 8, lines 22 – 36) for each User-Type involved with each specific Application (e.g., figure 1) in said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28), comprising the steps of:

selecting each Application (e.g., figure 1) in each said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28) which processes 16-bit or MS-DOS programs (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figure 4, col., 7, lines 34 - 67);

checking to find if more Applications are involved (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user (e.g., figure 4, col., 7, lines 34 - 67),



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totaling the number of User-Type Users who are Super-Heavy users (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to add a weight of 200% for said total number of super-heavy users (e.g., figure 4, col., 7, lines 34 - 67),

inputting said 200% weighted values to said Solution Configurator algorithm (e.g., col., 3, lines 8 - 34, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

21. As per claim 3, Smorodinsky2-UNISYS teaches the limitations rejected under claim 2. Smorodinsky2-UNISYS also teaches the following:

selecting each Application having a "Heavy" processing background (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to give a weight of 100% to said heavy users (e.g., col., 7, lines 6 - 14, 35 - 55, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

22. As per claim 4, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2 and 3. Smorodinsky2-UNISYS also teaches the following:

selecting each application in said Server Farm which is utilized by a User-Type User (e.g., figure 4, col., 7, lines 34 - 67),

eliminating each Application involving a Heavy processing background (e.g., figure 4, col., 7, lines 34 - 67),

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utilizing a weight factor of 100% to establish a value for said users of said Heavy category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

23. As per claim 5, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-4. Smorodinsky2-UNISYS also teaches the following:

sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figure 3, col., 10, lines 50 – 60),

utilizing a weight factor of 50% to establish a value for said users of the Light usage category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

24. As per claim 6, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-5. Smorodinsky2-UNISYS also teaches the following:

accumulating the total number of User-Type “Heavy” Users utilizing each and every Application and applying a 100% weight factor for said Heavy users (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

25. As per claim 7, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-6. Smorodinsky2-UNISYS also teaches the following:

selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 4, col., 7, lines 34 – 67),

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adding-up the number of User-Type Users utilizing said Applications as a “Medium” user category (e.g., col., 7, lines 6 – 14, 35 - 55),  
accumulating the total number of Users in the Medium user category and applying a weight factor of 67% value for each said Medium user category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

26. As per claim 8, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-7. Smorodinsky2-UNISYS also teaches the following:

adding-up the number of such User-Type Users to the Heavy category total and applying a 100% weight factor to said Heavy category total (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

27. As per claim 9, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-8. Smorodinsky2-UNISYS also teaches the following:

adding the number of User-Type Users to the Heavy category and applying a utilizing a 100% weight factor value to the number of Heavy category User-type Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

28. As per claim 10, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-9. Smorodinsky2-UNISYS also teaches the following:

adding the number of User-Type Users using each Application into the "Medium" category and assigning a 67% weight value to said Medium category Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Medium category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

29. As per claim 11, Smorodinsky2-UNISYS teaches the limitations rejected under claims 2-10. Smorodinsky2-UNISYS also teaches the following:

a system for deriving a proposed base solution (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) of Servers and Server Farms (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 3, line 43) at one or more sites with their supporting apparatus (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43) to support a proposed configuration, via a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34), adequate to handle the specific requirements of a specific customer's enterprise (e.g., table 1, col., 9, figures 1, 2 and 5, col., 5, lines 16 - 28) comprising:

means to format customer profile data in a configuration database template (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43),

means to store benchmark information and characteristics of Servers in a Server information database (e.g., figure 4, col., 7, lines 34 – 67),

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means to store (30) the number of Servers for utilization and their availability levels (e.g., col., 3, lines 8 – 34, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

means to store the attributes of User-types and applications into an optimization configuration program (e.g. figures 1, 2 and 5, col., 7, lines 36 - 58), for developing an optimized configuration of Server Farms (e.g., col., 5, lines 18 – 28) tailored to a customer's profile (e.g., figure 3) said means including:

means to designate each User of each Application in each Server Farm as a Light, Medium, Heavy or Super-heavy user (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means to accumulate data as to the exact number of Light users, Medium users, Heavy users and Super-heavy users for each said Server Farm (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means for utilizing a series of weighted values (e.g., col., 8, lines 22 – 37) for each user category which weight values include 100% for Heavy users (e.g., col., 7, lines 8 – 15), 67% for Medium users (e.g., col., 7, lines 35 – 65), 50% for Light users (e.g., col., 7, lines 35 – 65, table, 1, col., 9), and 200% for Super- heavy users (e.g., col., 7, lines 35 – 65, table, 1, col., 9),

means to calculate a base solution (e.g., col., 8, lines 51 – 65) for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm (e.g., col., 5, lines 16 – 26);

means to store final solution information suitable (e.g., col., 9, lines 25 – 46) for generating an optimized configuration report via said Solution Configurator algorithm (e.g., col., 3, lines 8 – 34).

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30. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackey et al. 6,567,767, UNISYS (Hereinafter Mackey-UNISYS).

31. As per claim 2, Mackey-UNISYS teaches the following:

in a Thin Client Sizing Tool (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) for configuring an Optimal Server Farm or multiple Server Farms for a customer-enterprise (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43), wherein a client-customer profile (e.g., figure 3) is developed for users as input to a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34) for developing an optimized solution for a network of one or more Server Farms (e.g., col., 5, lines 18 – 28) and associated modules (e.g., col., 5, lines 18 – 28) most suitable for said client-customer needs (e.g., table 1, col., 9), a method (e.g., abstract) for utilizing data as to specific User-weight categories (e.g., col., 8, lines 22 – 36) for each User-Type involved with each specific Application (e.g., figure 1) in said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28), comprising the steps of:

selecting each Application (e.g., figure 1) in each said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28) which processes 16-bit or MS-DOS programs (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figure 4, col., 7, lines 34 - 67);

checking to find if more Applications are involved (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user (e.g., figure 4, col., 7, lines 34 - 67),

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totaling the number of User-Type Users who are Super-Heavy users (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to add a weight of 200% for said total number of super-heavy users (e.g., figure 4, col., 7, lines 34 - 67),

inputting said 200% weighted values to said Solution Configurator algorithm (e.g., col., 3, lines 8 - 34, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

32. As per claim 3, Mackey-UNISYS teaches the limitations rejected under claim 2.

Mackey-UNISYS also teaches the following:

selecting each Application having a "Heavy" processing background (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to give a weight of 100% to said heavy users (e.g., col., 7, lines 6 - 14, 35 - 55, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

33. As per claim 4, Mackey-UNISYS teaches the limitations rejected under claims 2 and 3. Mackey-UNISYS also teaches the following:

selecting each application in said Server Farm which is utilized by a User-Type User (e.g., figure 4, col., 7, lines 34 - 67),

eliminating each Application involving a Heavy processing background (e.g., figure 4, col., 7, lines 34 - 67),

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utilizing a weight factor of 100% to establish a value for said users of said Heavy category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

34. As per claim 5, Mackey-UNISYS teaches the limitations rejected under claims 2-

4. Mackey-UNISYS also teaches the following:

sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figure 3, col., 10, lines 50 – 60),

utilizing a weight factor of 50% to establish a value for said users of the Light usage category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

35. As per claim 6, Mackey-UNISYS teaches the limitations rejected under claims 2-

5. Mackey-UNISYS also teaches the following:

accumulating the total number of User-Type “Heavy” Users utilizing each and every Application and applying a 100% weight factor for said Heavy users (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

36. As per claim 7, Mackey-UNISYS teaches the limitations rejected under claims 2-

6. Mackey-UNISYS also teaches the following:

selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 4, col., 7, lines 34 – 67),



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adding-up the number of User-Type Users utilizing said Applications as a “Medium” user category (e.g., col., 7, lines 6 – 14, 35 - 55),  
accumulating the total number of Users in the Medium user category and applying a weight factor of 67% value for each said Medium user category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

37. As per claim 8, Mackey-UNISYS teaches the limitations rejected under claims 2-7. Mackey-UNISYS also teaches the following:

adding-up the number of such User-Type Users to the Heavy category total and applying a 100% weight factor to said Heavy category total (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

38. As per claim 9, Mackey-UNISYS teaches the limitations rejected under claims 2-8. Mackey-UNISYS also teaches the following:

adding the number of User-Type Users to the Heavy category and applying a utilizing a 100% weight factor value to the number of Heavy category User-type Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

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39. As per claim 10, Mackey-UNISYS teaches the limitations rejected under claims

2-9. Mackey-UNISYS also teaches the following:

adding the number of User-Type Users using each Application into the "Medium" category and assigning a 67% weight value to said Medium category Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Medium category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

40. As per claim 11, Mackey-UNISYS teaches the limitations rejected under claims

2-10. Mackey-UNISYS also teaches the following:

a system for deriving a proposed base solution (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) of Servers and Server Farms (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 3, line 43) at one or more sites with their supporting apparatus (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43) to support a proposed configuration, via a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34), adequate to handle the specific requirements of a specific customer's enterprise (e.g., table 1, col., 9, figures 1, 2 and 5, col., 5, lines 16 - 28) comprising:

means to format customer profile data in a configuration database template (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43),

means to store benchmark information and characteristics of Servers in a Server information database (e.g., figure 4, col., 7, lines 34 – 67),

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means to store (30) the number of Servers for utilization and their availability levels (e.g., col., 3, lines 8 – 34, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

means to store the attributes of User-types and applications into an optimization configuration program (e.g. figures 1, 2 and 5, col., 7, lines 36 - 58), for developing an optimized configuration of Server Farms (e.g., col., 5, lines 18 – 28) tailored to a customer's profile (e.g., figure 3) said means including:

means to designate each User of each Application in each Server Farm as a Light, Medium, Heavy or Super-heavy user (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means to accumulate data as to the exact number of Light users, Medium users, Heavy users and Super-heavy users for each said Server Farm (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means for utilizing a series of weighted values (e.g., col., 8, lines 22 – 37) for each user category which weight values include 100% for Heavy users (e.g., col., 7, lines 8 – 15), 67% for Medium users (e.g., col., 7, lines 35 – 65), 50% for Light users (e.g., col., 7, lines 35 – 65, table, 1, col., 9), and 200% for Super- heavy users (e.g., col., 7, lines 35 – 65, table, 1, col., 9),

means to calculate a base solution (e.g., col., 8, lines 51 – 65) for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm (e.g., col., 5, lines 16 – 26);

means to store final solution information suitable (e.g., col., 9, lines 25 – 46) for generating an optimized configuration report via said Solution Configurator algorithm (e.g., col., 3, lines 8 – 34).

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41. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackey et al. 6,691,259 (Hereinafter Mackey2-UNISYS).

42. As per claim 2, Mackey2-UNISYS teaches the following:

in a Thin Client Sizing Tool (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) for configuring an Optimal Server Farm or multiple Server Farms for a customer-enterprise (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43), wherein a client-customer profile (e.g., figure 3) is developed for users as input to a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34) for developing an optimized solution for a network of one or more Server Farms (e.g., col., 5, lines 18 – 28) and associated modules (e.g., col., 5, lines 18 – 28) most suitable for said client-customer needs (e.g., table 1, col., 9), a method (e.g., abstract) for utilizing data as to specific User-weight categories (e.g., col., 8, lines 22 – 36) for each User-Type involved with each specific Application (e.g., figure 1) in said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28), comprising the steps of:

selecting each Application (e.g., figure 1) in each said Server Farm (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28) which processes 16-bit or MS-DOS programs (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users for each Application categorized as Super-Heavy Users of that Application (e.g., figure 4, col., 7, lines 34 - 67);

checking to find if more Applications are involved (e.g. figures 1, 2 and 5, col., 5, lines 16 - 28),

accumulating the number of User-Type Users who utilize each of the Applications as a Super-Heavy user (e.g., figure 4, col., 7, lines 34 - 67),

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totaling the number of User-Type Users who are Super-Heavy users (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to add a weight of 200% for said total number of super-heavy users (e.g., figure 4, col., 7, lines 34 - 67),

inputting said 200% weighted values to said Solution Configurator algorithm (e.g., col., 3, lines 8 - 34, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

43. As per claim 3, Mackey2-UNISYS teaches the limitations rejected under claim 2. Mackey2-UNISYS also teaches the following:

selecting each Application having a "Heavy" processing background (e.g., figure 4, col., 7, lines 34 - 67),

utilizing a benchmark normal heavy value of 100% to give a weight of 100% to said heavy users (e.g., col., 7, lines 6 - 14, 35 - 55, table 1, col., 9, col., 2, line 61 - col., 3, line 43).

44. As per claim 4, Mackey2-UNISYS teaches the limitations rejected under claims 2 and 3. Mackey2-UNISYS also teaches the following:

selecting each application in said Server Farm which is utilized by a User-Type User (e.g., figure 4, col., 7, lines 34 - 67),

eliminating each Application involving a Heavy processing background (e.g., figure 4, col., 7, lines 34 - 67),

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utilizing a weight factor of 100% to establish a value for said users of said Heavy category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

45. As per claim 5, Mackey2-UNISYS teaches the limitations rejected under claims

2-4. Mackey2-UNISYS also teaches the following:

sorting-out and eliminating those Applications which are graphic-based or animated (e.g., figure 3, col., 10, lines 50 – 60),

utilizing a weight factor of 50% to establish a value for said users of the Light usage category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

46. As per claim 6, Mackey2-UNISYS teaches the limitations rejected under claims

2-5. Mackey2-UNISYS also teaches the following:

accumulating the total number of User-Type “Heavy” Users utilizing each and every Application and applying a 100% weight factor for said Heavy users (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

47. As per claim 7, Mackey2-UNISYS teaches the limitations rejected under claims

2-6. Mackey2-UNISYS also teaches the following:

selecting those User-Types whose typing speed is slower than 45 words/minute (e.g., figure 4, col., 7, lines 34 – 67),

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adding-up the number of User-Type Users utilizing said Applications as a “Medium” user category (e.g., col., 7, lines 6 – 14, 35 - 55),  
accumulating the total number of Users in the Medium user category and applying a weight factor of 67% value for each said Medium user category (e.g., col., 5, lines 6 – 14, table 1, col., 9, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

48. As per claim 8, Mackey2-UNISYS teaches the limitations rejected under claims 2-7. Mackey2-UNISYS also teaches the following:

adding-up the number of such User-Type Users to the Heavy category total and applying a 100% weight factor to said Heavy category total (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

49. As per claim 9, Mackey2-UNISYS teaches the limitations rejected under claims 2-8. Mackey2-UNISYS also teaches the following:

adding the number of User-Type Users to the Heavy category and applying a utilizing a 100% weight factor value to the number of Heavy category User-type Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Heavy category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

50. As per claim 10, Mackey2-UNISYS teaches the limitations rejected under claims

2-9. Mackey2-UNISYS also teaches the following:

adding the number of User-Type Users using each Application into the "Medium" category and assigning a 67% weight value to said Medium category Users (e.g., col., 7, lines 6 – 14, 35 – 55, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

accumulating the total number of Users of the Medium category for each and every one of the Applications used in each server Farm (e.g., col., 5, lines 6 – 14, table 1, col., 9, col., 2, line 61 – col., 3, line 43).

51. As per claim 11, Mackey2-UNISYS teaches the limitations rejected under claims

2-10. Mackey2-UNISYS also teaches the following:

a system for deriving a proposed base solution (e.g., col., 4, line 65 – col., 5, line 34, col., 3, lines 14 - 34) of Servers and Server Farms (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 3, line 43) at one or more sites with their supporting apparatus (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43) to support a proposed configuration, via a Solution Configurator algorithm (e.g., col., 3, lines 8 – 34), adequate to handle the specific requirements of a specific customer's enterprise (e.g., table 1, col., 9, figures 1, 2 and 5, col., 5, lines 16 - 28) comprising:

means to format customer profile data in a configuration database template (e.g. figures 1, 2 and 5, col., 2, line 61 – col., 2, line 43),

means to store benchmark information and characteristics of Servers in a Server information database (e.g., figure 4, col., 7, lines 34 – 67),



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means to store (30) the number of Servers for utilization and their availability levels (e.g., col., 3, lines 8 – 34, table 1, col., 9, col., 2, line 61 – col., 3, line 43),

means to store the attributes of User-types and applications into an optimization configuration program (e.g. figures 1, 2 and 5, col., 7, lines 36 - 58), for developing an optimized configuration of Server Farms (e.g., col., 5, lines 18 – 28) tailored to a customer's profile (e.g., figure 3) said means including:

means to designate each User of each Application in each Server Farm as a Light, Medium, Heavy or Super-heavy user (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means to accumulate data as to the exact number of Light users, Medium users, Heavy users and Super-heavy users for each said Server Farm (e.g., col., 5, lines 8 – 15, col., 7, lines 8 – 34);

means for utilizing a series of weighted values (e.g., col., 8, lines 22 – 37) for each user category which weight values include 100% for Heavy users (e.g., col., 7, lines 8 – 15), 67% for Medium users (e.g., col., 7, lines 35 – 65), 50% for Light users (e.g., col., 7, lines 35 – 65, table, 1, col., 9), and 200% for Super- heavy users (e.g., col., 7, lines 35 – 65, table, 1, col., 9),

means to calculate a base solution (e.g., col., 8, lines 51 – 65) for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm (e.g., col., 5, lines 16 – 26);

means to store final solution information suitable (e.g., col., 9, lines 25 – 46) for generating an optimized configuration report via said Solution Configurator algorithm (e.g., col., 3, lines 8 – 34).

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***Conclusion***

The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

April 28, 2005

A handwritten signature in black ink, appearing to read "N. Effaely". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.